

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

JU  
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Plaintiff,

v.

NARCIZO SOTO,

No. CR 18-02204 JB  
CLERK ALBUQUERQUE

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO CONTINUE FEBRUARY 26, 2019 FINAL  
HEARING ON REVOCATION OF SUPERVISED RELEASE**

THIS MATTER having come before the Court upon the Unopposed Motion To Continue November 28, 2018 Final Hearing on Revocation of Supervised Release, and the Court being fully advised in the Premises FINDS:

1. The above entitled and numbered cause is scheduled for a final hearing on the Petition

For Revocation of Supervised Release on February 26, 2019 at 10:00 a.m.

2. The Petition For Revocation of Supervised Release stems from the Defendant's arrest for an incident that occurred in Clovis, NM. The trial of that matter was scheduled for January 9, 2019, but has now been continued for a couple of months. The result of that trial will affect the result in this matter. There are issues involving the validity of the arrest and a search and seizure issue, and the production of evidence that is in the possession of the State of New Mexico. Counsel for Defendant cannot proceed in this matter until those issues have been resolved.

4. The parties would also like to attempt to resolve this matter without the need for an evidentiary hearing, but this will not be possible until the issues involving the underlying case have been resolved in State court. Counsel agree that a continuance of a minimum of 90 days is necessary to accomplish these tasks.

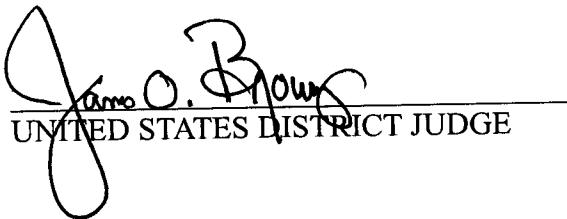
5. Proceeding to trial without the ability to fully explore a resolution with the United States would result in a fundamental miscarriage of justice. The ends of justice served by the granting of a

continuance would outweigh the interest of the public and the defendants in a speedy trial. 18 USC §3161(h)(1)(7)(A) and 18 USC§ 3161(h)(7)B(iv).

6. Assistant U.S. Attorney Rumaldo Armijo concurs with this request.

7. DEFENDANT HEREBY STIPULATES that he waives his rights to a speedy trial under 18 U.S.C. § 3161(h)(7)(A), asserting that the ends of justice served by granting such a continuance outweigh the best interest of the public and the Defendant in a speedy trial, and further stipulate that the period of time from February 26, 2019 to the next trial setting is excludable for the purposes of speedy trial calculations. Failure to grant the continuance and to force trial before plea negotiations have been exhausted would result in a miscarriage of justice

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the Unopposed Motion To Continue February 26, 2019, Final Hearing on Revocation of Supervised Release is hereby GRANTED and will be reset on May 30, 2019 @ 8:30 a.m.

  
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UNITED STATES DISTRICT JUDGE